

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 FRANCISCO VIDAL,

4 Plaintiff

Case No. 2:19-cv-02116-KJD-NJK

**ORDER**

5 v.

6 SGT. ROBERSON, *et al.*,

7 Defendants  
8

9 **I. DISCUSSION**

10 On December 10, 2019, Plaintiff, who is a prisoner in the custody of the Nevada  
11 Department of Corrections, submitted a civil rights complaint pursuant to 42 U.S.C. § 1983.  
12 Docket No. 1-1. Plaintiff neither paid the full filing fee for this matter nor filed an application to  
13 proceed *in forma pauperis*.

14 On December 12, 2019, this Court ordered Plaintiff to file a fully complete application to  
15 proceed *in forma pauperis*, including both an inmate account statement for the past six months and  
16 a properly executed financial certificate, on the correct form with complete financial attachments,  
17 in compliance with 28 U.S.C. § 1915(a) or pay the full \$400 filing fee for a civil action no later  
18 than January 13, 2020. Docket No. 4.

19 On January 14, 2020, Plaintiff filed an application to proceed *in forma pauperis* and further  
20 revised the title of the document to include “motion to accept in forma pauperis app as substitute  
21 for financial cert. due to defendant NDOC failing/refusing to provide financial cert.” Docket No.  
22 5. Plaintiff’s filing also included several pages of exhibits he requested the Court accept as a  
23 substitute for his financial certificate. (*Id.*)

24 Also, on January 14, 2020, Plaintiff filed a motion to waive financial certificate due to  
25 defendant refusing/failing to provide or more time to provide file fee or financial cert. Docket No.  
26 6.

27 Plaintiff’s application to proceed *in forma pauperis* (Docket No. 5) is incomplete. Pursuant  
28 to 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an application to

1 proceed *in forma pauperis* and attach both an inmate account statement for the past six months  
2 and a properly executed financial certificate. Plaintiff has not submitted a properly executed  
3 financial certificate or an inmate account statement for the past six months. As such, Plaintiff's *in*  
4 *forma pauperis* application, Docket No. 5, is denied without prejudice.

5 With respect to Plaintiff's motion to waive financial certificate, or for more time to provide  
6 the filing fee or financial certificate, Docket No. 6, the Court will construe Plaintiff's motion as a  
7 motion for extension of time. Plaintiff's motion for an extension of time, Docket No. 6, is granted.  
8 Plaintiff shall file a fully complete application to proceed *in forma pauperis*, including both an  
9 inmate account statement for the past six months and a properly executed financial certificate, or  
10 pay the full \$400 filing fee no later than **March 16, 2020**.

11 Plaintiff is an experienced litigator in this Court and knows how to correctly file an  
12 application to proceed *in forma pauperis* with this Court. Plaintiff will be granted one final  
13 opportunity to cure the deficiencies of his application to proceed *in forma pauperis*, or in the  
14 alternative, pay the full filing fee for this action. If Plaintiff chooses to file a new application to  
15 proceed *in forma pauperis*, he must file a fully complete application to proceed *in forma pauperis*,  
16 including both an inmate account statement for the past six months and a properly executed  
17 financial certificate. If Plaintiff files another incomplete application to proceed *in forma pauperis*,  
18 the Court will dismiss the case in its entirety, without prejudice, to file a new case when Plaintiff  
19 is able to acquire the necessary documents to file a complete application to proceed *in forma*  
20 *pauperis*.

## 21 **II. CONCLUSION**

22 For the foregoing reasons, IT IS ORDERED that Plaintiff's application to proceed *in forma*  
23 *pauperis*, Docket No. 5, is DENIED without prejudice to file a new application.

24 IT IS FURTHER ORDERED that the Clerk of the Court WILL SEND Plaintiff the  
25 approved form application to proceed *in forma pauperis* by a prisoner, as well as the document  
26 entitled information and instructions for filing an *in forma pauperis* application.

27 IT IS FURTHER ORDERED that Plaintiff's motion for extension of time, Docket No. 6,  
28 is GRANTED.

1 IT IS FURTHER ORDERED that, no later than **March 16, 2020**, Plaintiff will either: (1)  
2 file a fully complete application to proceed *in forma pauperis*, on the correct form with complete  
3 financial attachments in compliance with 28 U.S.C. § 1915(a); or (2) pay the full \$400 fee for  
4 filing a civil action (which includes the \$350 filing fee and the \$50 administrative fee).

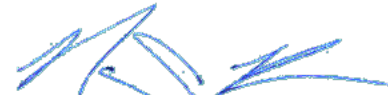
5 IT IS FURTHER ORDERED that, if Plaintiff's next application to proceed *in forma*  
6 *pauperis* is incomplete, the Court will dismiss the case, without prejudice, for Plaintiff to file a  
7 new case when he is able to acquire the necessary documents to file a complete application to  
8 proceed *in forma pauperis*.

9 IT IS FURTHER ORDERED that, if Plaintiff does not timely comply with this order,  
10 dismissal of this action may result.

11 IT IS FURTHER ORDERED that the Clerk of the Court will retain the complaint, Docket  
12 No. 1-1, but will not file it at this time.

13 IT IS SO ORDERED.

14 DATED: January 17, 2020.



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NANCY J. KORPE  
UNITED STATES MAGISTRATE JUDGE